

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DERRICK KIRKWOOD,

Petitioner,

v.

PAT GLEBE,

Respondent.

Case No. C09-5593 RBL/KLS

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation, Petitioner's application to proceed *in forma pauperis* and the remaining record, hereby finds and **ORDERS:**

- (1) the Magistrate Judge's Report and Recommendation is approved and adopted;
- (2) Petitioner's application to proceed *in forma pauperis* (Dkt. 1) is **DENIED**; and
- (3) the Clerk is directed to send copies of this Order to Petitioner.

DATED this 5<sup>th</sup> day of November, 2009.



RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE